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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,908	08/31/2001	Juergen Reinold	IA00003	2098

22863 7590 11/21/2003

MOTOROLA, INC.  
CORPORATE LAW DEPARTMENT - #56-238  
3102 NORTH 56TH STREET  
PHOENIX, AZ 85018

EXAMINER

JONES, PRENELL P

ART UNIT PAPER NUMBER

2667

DATE MAILED: 11/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/943,908

Applicant(s)

REINOLD ET AL.

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, 4, 8-10, 12, 13, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al in view of Trebes.

Regarding claims 1, 3, 4, 8-10, 12, 13, 15, 17 and 18, Eden discloses (Abstract, col. 1, line 10-45, col. 2, line 37-50, col. 4, line 23-34, col. 9, line 16 thru col. 11, line 20) a smart home that includes automated entertainment that include multiple devices wherein data streams associated with devices are divided into channels (paths), communicating data between devices, (col. 13, line 24 thru col. 14, line 60) the atypical system configuration of electronic devices in a "smart home" can also be implemented with respect to vehicles, (col. 31, line 8-37) a smart CPU based controller is used on the network, smart jacks are implemented, (col. 80, line 17 thru col. 83, line 36) first/second network paths, each router is associated with an active network arm, (col. 36, line 54 thru col. 55, line 50) regenerates data. Eden is silent on identifying a first/second communication path between first/second devices for communicating data. In analogous art, Trebes discloses (Abstract, col. 9, line 1-67, col. 15, line 1-28) a control of telecommunication services in a telecommunication environment that include plurality ATM switches (packet switching) utilize active networks associated with mobile systems, smart agents associated at each node (mobile), (col. 24, line 55-67) target vehicle traffic environments for planning and distributing, fault detection mechanism. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement identifying paths as taught by Trebes with the teachings of Edens for the purpose of further managing transmission/distribution of packets among communication devices associated in an active network.

5. Claims 2, 5-7, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al in view of Trebes as applied to claim 1, 4, 8-10, 12, 13, 15, 17 and 18, above, and further in view of Foglar.

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Regarding claims 2, 5-7, 11 and 16, as indicated above, Eden discloses (Abstract, col. 1, line 10-45, col. 2, line 37-50, col. 4, line 23-34, col. 9, line 16 thru col. 11, line 20) a smart home that includes automated entertainment that include multiple devices wherein data streams associated with devices are divided into channels (paths), communicating data between devices, (col. 13, line 24 thru col. 14, line 60) the atypical system configuration of electronic devices in a "smart home" can also be implemented with respect to vehicles, (col. 31, line 8-37) a smart CPU based controller is used on the network, smart jacks are implemented, (col. 80, line 17 thru col. 83, line 36) first/second network paths, each router is associated with an active network arm, (col. 36, line 54 thru col. 55, line 50) regenerates data, and Trebes discloses (Abstract, col. 9, line 1-67, col. 15, line 1-28) a control of telecommunication services in a telecommunication environment that include plurality ATM switches (packet switching) utilize active networks associated with mobile systems, smart agents associated at each node (mobile), (col. 24, line 55-67) target vehicle traffic environments for planning and distributing, fault detection mechanism. Both Edens and Trebes are silent on replicating data packets provided by interface. In Foglar discloses (Abstract, col. 3, line 1 thru col. 4, line 67, col. 7, line 16-54) routing message cells/packets in a switching network via a plurality of active path pairs (first/second path) wherein the message cells are duplicated, and he further discloses (col. 3, line 1-67, col. 7, line 16-54) messages duplicated in switching network via interface R1a, R1b and R1c, and recognizing the paths between two switching elements. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement duplicating packets at the switch interface as taught by Foglar with the transmission of data in a computerized active network of both Edens and Trebes as to further minimize delay in communicating packets between devices in a system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on Monday thru Friday from 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Prenell Jones

November 14, 2008



  
CHI PHAM  
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11/17/08